

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRACY L. CHILDRESS,

Plaintiff,

CASE NO: 14-12399

HONORABLE VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. #14)**  
**GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. # 12)**  
**AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Doc. # 11)**

Plaintiff Tracy L. Childress ("Childress") brings this action pursuant to 42 U.S.C. 405(g) to appeal the denial of Social Security disability benefits made by the Commissioner of Social Security (the "Commissioner"). The Appeals Council denied Childress's Request for Review of the second decision issued by the Administrative Law Judge ("ALJ") on April 12, 2013. That ALJ decision stands as the Commissioner's final decision. This matter is before the Court on the parties' cross-motions for summary judgment. The Court referred those motions to Magistrate Judge Anthony P. Patti.

Magistrate Judge Patti issued a Report and Recommendation ("R&R") recommending that the Court grant Defendant's Motion for Summary Judgment and deny Childress's. Magistrate Judge Patti found that: (1) the ALJ's assessment of Childress's credibility as non-persuasive -- in light of Childress's representations, the medical records, her activities of daily living, and her work history since the alleged onset date -- is supported by substantial evidence; (2) the ALJ gave proper weight to

and good reasons for the opinions and assessments of Childress's treating medical sources, including those of Dr. Kurz; and (3) the RFC analysis as well as the Step 5 determination were supported by substantial evidence.

Childress filed objections to the R&R relating to: (1) the assessment of her credibility; and (2) the weight given to Dr. Kurz's opinions. The Commissioner responded to the objections.

After proper objections are made, the Court reviews *de novo* a Magistrate Judge's Report and Recommendation on a dispositive motion. 28 U.S.C. § 636(b)(1); F. R. Civ. P. 72(b)(3). A court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* A district court need not conduct *de novo* review where the objections are "[f]rivolous, conclusive or general." *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir.1986) (citation omitted); *see also Rice v. Comm'r of Soc. Sec.*, 169 F. App'x 452, 453-54 (6th Cir. 2006) ("issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.") (quoting *McPherson v. Kelsey*, 125 F.3d 989, 995-96 (6th Cir.1997)). After completing a *de novo* review, there is no requirement that the district court articulate all of the reasons it rejects a party's objections. *Tuggle v. Seabold*, 806 F.2d 87, 93 (6th Cir. 1986); *Dickey-Williams v. Comm'r of Soc. Sec.*, 975 F. Supp. 2d 792, 798 (E.D. Mich. 2013).

After carefully reviewing the cross motions for summary judgment, the R&R, Childress's objections, the Commissioner's Response, and the remainder of the record, the Court agrees with Magistrate Judge Patti's conclusions.

Magistrate Judge Patti accurately laid out the facts and relevant portions of the

administrative record; he engaged in a thorough analysis of the issues and provided reasoned explanations for his conclusions. In reaching his conclusions, Magistrate Judge Patti considered the entire record and applied the appropriate standard for review of an ALJ's decision.

Accordingly, the Court **ADOPTS** Magistrate Judge Patti's Report and Recommendation: Defendant's Motion for Summary Judgment is **GRANTED**; Plaintiff's Motion for Summary Judgment is **DENIED**. The decision of the Commissioner of Social Security is **AFFIRMED**.

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: September 30, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on September 30, 2015.

s/Linda Vertriest  
Deputy Clerk